

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 545 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHANDUBHAI JASUBHAI PATEL

Versus

SPECIAL LAND ACQUISITION OFFICER

Appearance:

MR RA PATEL for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/04/98

ORAL JUDGEMENT

Heard learned counsel for the parties.

Rule.

It is submitted by the learned counsel for the petitioner that in the Land Acquisition Case No.260 of 1990, award has been made in favour of the petitioner. He applied for withdrawal of the award in the said case.

However, the learned Judge by the impugned order dated 6-11-1997 has denied the same on the ground that he has preferred appeal in Land Acquisition Case No.270 of 1990. There is apparent error in the order. Simply because the appeal has been filed in L.A. Case No.270/90, the petitioner cannot be denied the payment in L.A. Case No.260/90. Learned counsel says that the Court fee amount of Rs.2320/- has been wrongly deducted and similar grievance is with respect to deduction of Rs.47000/-. These are the matters of calculation. The petitioner may point out the same to the court below. If any application in this regard is made the same shall be considered and decided in accordance with law. The learned Judge is directed to pass fresh order with respect to withdrawal of the amount. Rule made absolute to the aforesaid extent.

zgs/-